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**HEARING DATE & TIME:**  
**MAY 10, 2017 at 10:00 AM**

Anne Penachio, Esq.

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re : CHAPTER 13

GENNARO ALAIO and ELIZABETH ALAIO, : CASE NO.: 12-22220 (RDD)

Debtor. :

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**THE DEBTOR'S STATUS REPORT**

The status report regarding Gennaro and Elizabeth Alaio, the debtors herein (the "Debtors"), by their attorney **PENACHIO MALARA LLP**, respectfully represents, as follows:

1. The issue in this confirmed case has been the NY State ("NYS") Sales Tax claim which emanates from a restaurant that he formerly owned with his brother. The tax in question is identified by E-007665974-6.

2. The Debtor and restaurant were liable to NYS. The restaurant had entered into an installment payment agreement wherein it was paying \$3,500.00 per month towards the liability. NYS agreed to defer the amounts due under the claim against the Debtor. However, it did not amend its claim.

3. The Trustee has expressed concern about the NYS claim.

4. The Debtor has indicated that the liability has been satisfied. He sought a

letter from NYS reflecting same. Attached is a copy of the letter NYS sent to the Debtor's brother. Unfortunately, it does not indicate that the claim has been satisfied in full.

5. The attorney at NYS that was extremely familiar with this matter, Jackie Auerbach, retired.

6. Debtor respectfully requests that the Court adjourn the Trustee's motion to permit him to supply proof that the Tax Claim has been reduced and/or satisfied.

Dated: White Plains, New York  
May 9, 2017

**PENACHIO MALARA LLP**

**/s/ Anne Penachio**

**BY:** \_\_\_\_\_

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